



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/039,184	12/31/2001	John E. Jenne	069099.0107

CONFIRMATION NO. 7203

023640  
BAKER BOTTS, LLP  
910 LOUISIANA  
HOUSTON, TX 77002-4995

## FORMALITIES LETTER



\*OC00000007415486\*

X 3

Date Mailed: 02/04/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 870.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/18/2002 MBERHE 00000076 10039184

01 FC:201  
02 FC:205

370.00 OP  
65.00 OP

EXPRESS MAIL:  
EV067266019US

36-B  
O I P E  
MAR 12 2002  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In a Non-Provisional Application of: JENNE, et al.  
Serial No.: 10/039,184  
Filed on: 12/31/2001  
Entitled: "BUFFER TO BUFFER CREDIT FLOW CONTROL  
FOR COMPUTER NETWORK"  
Assignee: MAXXAN SYSTEMS, INC.  
Registered Attorney: PAUL N. KATZ, REG. NO. 35,917,  
OF BAKER BOTTS L.L.P. (023640)  
Attorney Docket No.: 069099.0107

**ASSERTION OF SMALL ENTITY STATUS UNDER 37 C.F.R. 1.27(c)(1)**

Hon. Commissioner of Patents and Trademarks  
BOX MISSING PARTS  
Washington D.C. 20231

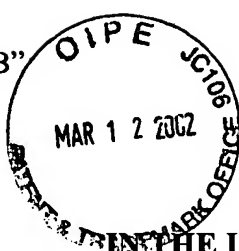
Dear Sir:

Inventors, John E. Jenne, et al., and assignee MaXXan Systems, Inc., herein assert that they are all small entities and qualify for small entity status under 37 C.F.R. 1.27(a)(1), and 37 C.F.R. 1.27(a)(2).

Respectfully submitted,  
BAKER BOTTS L.L.P. (023640)

By: Paul N. Katz  
Paul N. Katz  
Registration Number 35,917  
One Shell Plaza  
910 Louisiana Street  
Houston, Texas 77002-4995  
713.229.1343 (telephone)  
713.229.7743 (facsimile)  
ATTORNEY FOR APPLICANTS

Date: March 12, 2002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JENNE, et al.

Serial Number: 10/039,184

Filed: 12/31/2001

Title: "BUFFER TO BUFFER CREDIT FLOW  
CONTROL FOR COMPUTER NETWORK"

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Group Art Unit: 2152

Examiner: To be Assigned

Atty. Docket No. 069099.0107

CERTIFICATE OF MAILING VIA EXPRESS MAIL  
37 C.F.R. 1.10

PURSUANT TO 37 C.F.R. §1.10, I HEREBY CERTIFY THAT I HAVE A  
REASONABLE BASIS FOR BELIEF THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL,  
POST OFFICE TO ADDRESSEE, ADDRESSED TO:

HONORABLE COMMISSIONER FOR PATENTS  
BOX MISSING PARTS  
WASHINGTON, D.C. 20231

ON MARCH 12, 2002.

*Paul N. Katz*

PAUL N. KATZ

REG. NO. 35,917

DATE OF MAILING:

MARCH 12, 2002

EXPRESS MAIL LABEL:

EV067266019US

BOX MISSING PARTS

Honorable Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NON-PROVISIONAL APPLICATION, MAILED FEBRUARY 4, 2002

Dear Sir:

In response to the Notice to File Missing Parts of Non-Provisional Application for the application referenced above, mailed February 4, 2002, Applicants respectfully submit herewith those items listed below. The two-month shortened statutory response time is due April 4, 2002, therefor this Response is considered timely filed.

Enclosed with this response are:

A copy of the Notice to File Missing Parts of Non-Provisional Application;

Fee Transmittal Form, with duplicate copy for fee processing (PTO/SB/17);

Check #770739 in the Small Entity amount of \$435.00 for:

Filing Fee:	\$ 370.00
Surcharge for late filing fee, per 37 C.F.R. 1.16(e):	<u>\$ 65.00</u>
	\$ 435.00

Executed Declaration;

Executed Assignment and Assignment Recordation cover sheet, with duplicate cover sheet for fee processing;

Check #770742 in the amount of \$40.00 for the Assignment Recordation fee;

Executed Power of Attorney by Assignee;

Statement of Small Entity Assertion;

Return postcard to acknowledge receipt of these items.

The Commissioner is hereby authorized to debit Baker Botts L.L.P. (*formerly Baker & Botts, L.L.P.*) Deposit Account Number 02-0383, Order Number 069099.0107, for any underpayment of fees, or to credit same with any overpayment of fees, which may arise in association with this filing.

Respectfully submitted,

BAKER BOTTS L.L.P. (023640)

DATE: March 12, 2002

BY:

Paul N. Katz  
 Paul N. Katz  
 Registration No. 35,917  
 One Shell Plaza  
 910 Louisiana Street  
 Houston, Texas 77002-4995  
 Telephone: 713-229-1343  
 Facsimile: 713-229-7743  
 ATTORNEY FOR APPLICANTS

NOTE: Assignment Recordation Fee paid by separate check #770742, \$40.00. MP

MAR 12 2002

Approved for use through 10/31/2002. OMB 0651-8032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 475.00

## Complete if Known

Application Number	10/039,184
Filing Date	12/31/2001
First Named Inventor	JENNE, et al.
Examiner Name	Unassigned
Group Art Unit	2152
Attorney Docket No.	069099.0107 (B6-B)

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 02-0383  
Deposit Account Name: BAKER BOTTS L.L.P. 023640

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	370.00
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$ 370.00

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	65.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	40.00
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 105.00

## SUBMITTED BY

Name (Print/Type)	PAUL N. KATZ	Registration No. (Attorney/Agent)	35,917	Telephone	713.229.1343
Signature	Paul N. Katz	Date	03/12/2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Pa 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner

EXPRESS MAIL:  
EV067266019US

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